

BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

LARRY SOTO,) Case No. DISM-98-0058
)
Appellant,) FINDINGS OF FACT, CONCLUSIONS OF LAW
) AND ORDER OF BOARD FOLLOWING
v.) HEARING ON EXCEPTIONS
)
DEPARTMENT OF SOCIAL AND HEALTH)
SERVICES,)
)
Respondent.)

I. INTRODUCTION

1.1 Hearing on Exceptions. This appeal came on for hearing before the Personnel Appeals Board, WALTER T. HUBBARD, Chair, and GERALD L. MORGEN, Vice Chair, on Exceptions filed by the Parties to the Recommended Decision of Hearings Examiner Gary Jacobson dated July 21, 2000. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington, on October 9, 2000.

1.2 Appearances. Appellant Larry Soto was present and was represented by Robert Hamilton, Attorney at Law. Ann MacMurray, Assistant Attorney General, represented Respondent Department of Social and Health Services.

II. FINDINGS OF FACT

2.1 Having reviewed the record of proceedings before the Hearings Examiner, the Board finds that the Findings of Fact of the Hearings Examiner are supported by a preponderance of the evidence. The Board affirms and adopts the Findings of Fact of the Hearings Examiner as set forth in the attached copy.

1 **III. CONCLUSIONS OF LAW**

2 3.1 The Personnel Appeals Board has jurisdiction over the parties hereto and the subject matter herein.

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4 3.2 The Board concludes that the Conclusions of Law of the Hearings Examiner are supported by the
5 Findings of Fact. The Board affirms and adopts the Conclusions of Law of the Hearings Examiner as set
6 forth in the attached copy.

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8 3.3 The Recommended Decision of the Hearings Examiner should be affirmed.
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10 **IV. ORDER**

11 NOW, THEREFORE, IT IS HEREBY ORDERED that the Recommended Decision of Hearings Examiner
12 Gary Jacobson, dated July 21, 2000, is affirmed as follows:

13
14 It is Ordered that the disciplinary action dated October 14, 1998, by which Appellant was dismissed effective
15 October 29, 1998, is hereby reversed, and the appeal is granted. The parties stipulated to a stay of damages
16 accruing between February 29, 2000 and the effective date of the Recommended Decision of the Hearings
17 Examiner as a condition for granting Appellant's request for a continuance of the hearing. Appellant is
18 reinstated with back pay benefits which would have been paid through February 29, 2000 and fully reinstated
19 beginning July 21, 2000.

20 DATED this _____ day of _____, 2000.
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22 WASHINGTON STATE PERSONNEL APPEALS BOARD

23 _____
24 Walter T. Hubbard, Chair

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26 Gerald L. Morgen, Vice Chair

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